



5 Application No. : 10/600,258
Applicant : MACCREADY et al.
Filed : June 20, 2003
Art Unit : 3746
Examiner : HOLZEN, Stephen A.

Confirmation No. 7491

10 Docket No. : AVI 1005-04US
Customer No. : 28327
Date : July 5, 2005

15 Mail Stop: Amendment
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

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Dear Sir:

25 In the Office Action mailed June 2, 2005 ("the Office Action"), the Examiner imposed a restriction requirement, under 35 U.S.C. § 121, and eight election of species requirements.

Restriction Requirement

30 A restriction was required between the following three groups of claims:

Group I, claims 1-20;
Group II, claims 21-34; and
Group III, claims 35-39.

35 In response to the restriction requirement, Applicants elect the invention of Group I, corresponding to claims 1-20, drawn to an Aircraft, without traverse. Applicants hereby cancel claims 21-39, with the intention to file them in divisional applications at a later time.

Election of Species: (a) through (g)

In paragraph 6 on page 3 of the Office Action, election under 35 U.S.C. § 121 was required between seven species, designated (a) - (g). In the requirement to elect between 5 these species, the Office Action alleges that “[c]urrently, no claims are generic.” (See Office Action, paragraph 6, page 3.)

In response to the requirement of election between species (a) - (g), Applicants elect species (a), corresponding to Figure 1A, drawn to an Aircraft. If generic claims 10 covering all species are not found allowable, Applicants intend to file claims to the remaining species in continuation or divisional applications.

Per the requirement of election of species listed in the Office Action, and without consideration of the canceled claims, Applicants identify the following claims as readable 15 on the elected species: 1-20.

Applicants respectfully traverse the allegation that no claims are generic. Without consideration of the canceled claims, Applicants identify all of claims 1-20 as generic to species (a) - (g).

Election of Species: (h) through (i)

In paragraph 2 on page 4 of the Office Action, election under 35 U.S.C. § 121 was required between two species, designated (h) - (i).

In response to the requirement of election between species (h) - (i), Applicants elect species (i), corresponding to Figure 6, drawn to a wing construction. If generic claims covering all species are not found allowable, Applicants intend to file claims to the remaining species in continuation or divisional applications.

Per the requirement of election of species listed in the Office Action, and without consideration of the canceled claims, Applicants identify the following claims as readable on the elected species: 1-20.

5 Without consideration of the canceled claims, Applicants identify all of claims 1-20 as generic to species (h) - (i).

Election of Species: (j) through (l)

10 In paragraph 3 on page 4 of the Office Action, election under 35 U.S.C. § 121 was required between three species, designated (j) - (l).

15 In response to the requirement of election of species between (j) - (l), Applicants elect species (l), drawn to Trusses and Wires for a fuel tank suspension mechanism. If generic claims covering all species are not found allowable, Applicants intend to file claims to the remaining species in continuation or divisional applications.

20 Per the requirement of election of species listed in the Office Action, and without consideration of the canceled claims, Applicants identify the following claims as readable on the elected species: 1-20.

Without consideration of the canceled claims, Applicants identify all of claims 1-20 as generic to species (j) - (l).

25 Election of Species: (m) through (n)

In paragraph 4 on page 4 of the Office Action, election under 35 U.S.C. § 121 was required between two species, designated (m) - (n).

30 In response to the requirement of election of species between (m) - (n), Applicants elect species (m), drawn to Liquid Fuel Tanks for a hydrogen fuel source. If generic

claims covering all species are not found allowable, Applicants intend to file claims to the remaining species in continuation or divisional applications.

5 Per the requirement of election of species listed in the Office Action, and without consideration of the canceled claims, Applicants identify the following claims as readable on the elected species: 1-20.

10 Without consideration of the canceled claims, Applicants identify claims 1-11, 14, and 17-20 as generic to species (m) - (n).

15 In paragraph 5 on page 5 of the Office Action, election under 35 U.S.C. § 121 was required between five species, designated (o) - (s).

20 Per the requirement of election of species listed in the Office Action, and without consideration of the canceled claims, Applicants identify the following claims as readable on the elected species: 1-20.

25 Without consideration of the canceled claims, Applicants identify all of claims 1-20 as generic to species (o) - (s).

Election of Species: (t) through (u)

30 In paragraph 6 on page 5 of the Office Action, election under 35 U.S.C. § 121 was required between two species, designated (t) - (u).

In response to the requirement of election of species between (t) - (u), Applicants elect species (t), drawn to a Stiff Wing for a wing construction. If generic claims covering all species are not found allowable, Applicants intend to file claims to the remaining species in continuation or divisional applications.

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Per the requirement of election of species listed in the Office Action, and without consideration of the canceled claims, Applicants identify the following claims as readable on the elected species: 1-20.

10 Without consideration of the canceled claims, Applicants identify all of claims 1-20 as generic to species (t) - (u).

Election of Species: (v) through (w)

15 In paragraph 7 on page 5 of the Office Action, election under 35 U.S.C. § 121 was required between two species, designated (v) - (w).

20 In response to the requirement of election of species between (v) - (w), Applicants elect species (v), drawn to an Autonomous System for aircraft control. If generic claims covering all species are not found allowable, Applicants intend to file claims to the remaining species in continuation or divisional applications. Applicants respectfully note that non-elected species (w) would be better described as “Remote Piloting” rather than “Remote Powering,” as listed in the Office Action, top of page 6.

25 Per the requirement of election of species listed in the Office Action, and without consideration of the canceled claims, Applicants identify the following claims as readable on the elected species: 1-20.

30 Without consideration of the canceled claims, Applicants identify all of claims 1-20 as generic to species (v) - (w).

Election of Species: (x) through (y)

In paragraph 8 on page 6 of the Office Action, election under 35 U.S.C. § 121 was required between two species, designated (x) - (y).

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In response to the requirement of election of species between (x) - (y), Applicants elect species (y), drawn to a power source indirectly driving the propeller through an attached generator. If generic claims covering all species are not found allowable, Applicants intend to file claims to the remaining species in continuation or divisional 10 applications.

Per the requirement of election of species listed in the Office Action, and without consideration of the canceled claims, Applicants identify the following claims as readable on the elected species: 1-20.

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Without consideration of the canceled claims, Applicants identify all of claims 1-20 as generic to species (x) - (y).

Conclusion

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In view of the foregoing, examination on the merits is requested at an early date.

Respectfully submitted,

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By:


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